

Record of Communication

David Smith spoke by telephone with Lee Decker, Gallagher and Kennedy, Phoenix, AZ on January 24, 2014.

Mr. Decker called to ask about the status of EPA's review of the residual designation petitions submitted to EPA Regions 1, 3, and 9. I explained that we had provided an interim response in fall, 2013, and are still in the process of completing our petition review. He asked how the final response would be announced. I indicated that I was not 100% sure, but that in the past any EPA decision to do a residual designation was announced through a process that provided opportunity for public review and comment and would likely entail a FR notice. I indicated that petition denials would not necessarily be announced through the FR, but that those decisions would be posted on our website and made available to the public. He provided his contact information and asked to be sent a copy of the decision when it is made.

Mr. Decker explained he is representing the Arizona Chamber of Commerce in this matter. He explained the Chamber's view that the residual designation requested by American Rivers, et. al, is not warranted. The Chamber believes that alleged connection between stormwater discharges, and in particular, the specific class of stormwater discharges discussed in the petition, and water quality impairments is invalid in Arizona and that further regulation of these discharges is unwarranted. He suggested the petition did not establish the necessary connection between these types of stormwater discharges and water quality impairments that would be needed to support a designation.